

IC 20-14-2

Chapter 2. Organization of Class 1 Public Libraries

IC 20-14-2-1

Application of chapter

Sec. 1. This chapter applies only to Class 1 public libraries.

As added by P.L.224-1983, SEC.1.

IC 20-14-2-2

Municipal corporation; taxing unit; boundaries; annexation and transfer of territory

Sec. 2. (a) A Class 1 public library is a municipal corporation, known as _____ Public Library. By this name it may contract and be contracted with and sue and be sued in court.

(b) Each public library constitutes an independent taxing unit for purposes of IC 6-1.1-1-21.

(c) The corporate boundaries of the public library must be described in the resolution of establishment, conversion, transfer, or merger filed:

- (1) in the office of the county recorder in the county where the administrative office of the public library is located; and
- (2) with the Indiana state library.

(d) When the corporate boundaries of a unit and a Class 1 public library are coextensive, territory annexed by the unit becomes part of the library district if the annexed territory is not already part of another library district. When a public library annexes territory in this manner, the library board shall file a statement describing the annexed territory:

- (1) in the office of the county recorder in the county where the administrative office of the public library is located; and
- (2) with the Indiana state library.

If the territory annexed by a unit is already a part of another library district, that territory remains a part of the other library district unless the library boards of both public libraries pass a resolution of transfer under subsection (e).

(e) One (1) public library may transfer a part of its territory to another public library according to the following procedure:

- (1) The library boards of each public library must pass a resolution of transfer signed by a majority of the entire membership of each library board agreeing to the transfer.
- (2) Both of the library boards must include a description of the transferred territory in their respective resolutions.
- (3) Each of the library boards must file a copy of the resolution of transfer:
 - (A) in the office of the county recorder in the county where the respective public library is located; and
 - (B) with the Indiana state library.

As added by P.L.224-1983, SEC.1. Amended by P.L.25-1992, SEC.8.

IC 20-14-2-3

Establishment of library; authorization; petition or remonstrance; procedure

Sec. 3. (a) The legislative body of a municipality, township, county, or part of a county, any of which is not already taxed for public library purposes, that has:

- (1) a population of at least ten thousand (10,000); or
- (2) an assessed valuation that is at least as high as the median of the most recent certified assessed valuation of the ten (10) library taxing districts closest in population to ten thousand (10,000);

may establish a public library for the residents of that municipality, township, county, or part of the county.

(b) The establishment of the public library may be initiated either by:

- (1) the legislative body passing a written resolution; or
- (2) the filing of a petition with the legislative body that has been signed by at least twenty percent (20%) of the registered voters of the municipality, township, county, or part of a county, as determined by the last preceding general election.

(c) If a petition is filed under subsection (b)(2), then within ten (10) days after the filing, the municipality, township, county, or part of a county shall give notice of the filing of the petition in two (2) newspapers of general circulation in the county, one (1) of which is published in the municipality where the library is to be located, if a newspaper is published in the municipality.

(d) Within ten (10) days after the publication of the petition, any registered voter in the municipality, township, county, or part of a county where the public library is proposed to be established may file with the respective municipality, township, or county a remonstrance that:

- (1) is signed by registered voters in the municipality, township, county, or part of the county where the public library is proposed to be established; and
- (2) states that those registered voters who have signed the remonstrance are opposed to the establishment of the public library.

(e) The following apply to a petition that is filed under subsection (b)(2) or a remonstrance that is filed under subsection (d):

- (1) The petition or remonstrance must show the following:
 - (A) The date on which each person signed the petition or remonstrance.
 - (B) The residence of each person on the date the person signed the petition or remonstrance.
- (2) The petition or remonstrance must include an affidavit of the person circulating the petition or remonstrance stating that each signature on the petition or remonstrance:
 - (A) was affixed in the person's presence; and
 - (B) is the true signature of the person who signed the petition or remonstrance.
- (3) Several copies of the petition or remonstrance may be

executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit as described in subdivision (2). Any signer may file the petition, remonstrance, or any copy. All copies constituting a petition or remonstrance must be filed on the same day.

(4) The clerk of the circuit court in the county where the municipality, township, county, or part of a county where the public library that is proposed to be established is located shall do the following:

(A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk shall strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both (if the person signed both a petition and a remonstrance).

(B) Strike the name from either the petition or the remonstrance of a person who:

- (i) signed both the petition and the remonstrance; and
- (ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the person's name from the petition or the remonstrance.

(C) Not more than fifteen (15) days after a petition or remonstrance is filed, certify the number of signatures on the petition or remonstrance that:

- (i) are not duplicates; and
- (ii) represent persons who are registered voters in the municipality, township, county, or part of a county where the public library is proposed to be established, on the day the persons signed the petition or remonstrance.

(D) Establish a record of the clerk's certification in the clerk's office and file the original petition, the original remonstrance if any, and a copy of the clerk's certification with the legislative body of the municipality, township, or county.

The clerk of the circuit court may only strike a person's name from a petition or a remonstrance as set forth in clauses (A) and (B).

(f) At its first meeting, held at least ten (10) days after the publication of the petition, the legislative body shall compare the petition and any remonstrance. When a remonstrance has not been filed or a greater number of voters have signed the petition than have signed the remonstrance against the establishment of the public library, the legislative body shall establish by written resolution the public library with a library district coextensive with the boundaries of the unit or part of a county, whichever is applicable. The establishment of the public library is effective as of the date the written resolution is passed. The legislative body shall file a copy of the resolution within five (5) days:

- (1) with the office of the county recorder in the county where the administrative office of the public library is located; and
- (2) with the Indiana state library.

(g) The legislative body shall give notice to all officials who have

the power to appoint members of the library board for the new public library under IC 20-14-2.5-4, and these officials shall appoint the library board for the new public library under IC 20-14-2.5-4 as soon as possible after their notification.

(h) When an equal or greater number of registered voters have signed a remonstrance against the establishment of the public library than the number who have signed the petition in favor of the establishment of the public library, then the legislative body shall dismiss the petition. Another petition to establish a public library may not be initiated until one (1) year after the date the legislative body dismissed the latest unsuccessful petition.

As added by P.L.224-1983, SEC.1. Amended by P.L.19-1986, SEC.36; P.L.25-1992, SEC.9; P.L.21-1998, SEC.2.

IC 20-14-2-3.1

Establishment of library; petition or remonstrance; affidavit; duties of clerk of circuit court

Sec. 3.1. (a) The following apply to a petition or remonstrance filed under section 3 of this chapter:

- (1) The petition or remonstrance must show the following:
 - (A) The date on which each person signed the petition or remonstrance.
 - (B) The residence of each person on the date the person signed the petition or remonstrance.
- (2) The petition or remonstrance must include an affidavit of the person circulating the petition or remonstrance stating that each signature on the petition or remonstrance:
 - (A) was affixed in the person's presence; and
 - (B) is the true signature of the person who signed the petition or remonstrance.
- (3) The clerk of the circuit court or the board of registration shall do the following:
 - (A) Strike all names appearing more than one (1) time on the petition or remonstrance.
 - (B) Certify the number of signatures on the petition or remonstrance that:
 - (i) are not duplicates; and
 - (ii) represent persons who are registered voters in the county, the part of the county, or the municipality.

(b) The clerk of the circuit court shall complete the certification required by subsection (a) not later than fifteen (15) days after the petition or remonstrance is filed.

As added by P.L.25-1992, SEC.10. Amended by P.L.4-1994, SEC.7.

IC 20-14-2-4 Repealed

(Repealed by P.L.7-1983, SEC.45.)

IC 20-14-2-4.1

Repealed

(Repealed by P.L.125-1984, SEC.12.)

IC 20-14-2-5

Treasurer; election; powers and duties; removal; vacancies; surety bond

Sec. 5. (a) The library board shall annually elect a treasurer of the public library. The treasurer may be either a member of the library board or an employee of the library. However, the library director appointed under section 7 of this chapter may not also be treasurer.

(b) The library board may fix the rate of compensation for the services of the treasurer.

(c) The treasurer:

- (1) is the official custodian of all library funds;
- (2) is responsible for the proper safeguarding and accounting of all library funds;
- (3) shall issue warrants approved by the library board in payment of expenses lawfully incurred in behalf of the public library; and
- (4) shall make financial reports of library funds and present the reports to the library board every month.

(d) The library board may prescribe the powers and duties of the treasurer consistent with this chapter.

(e) The treasurer may be removed by the board at any regular or special meeting by a majority vote of the entire membership of the board.

(f) The board may elect a successor treasurer if a vacancy occurs in that office.

(g) The treasurer shall give a surety bond for the faithful performance of his duty and for the accurate accounting of all money coming into his custody. The bond must be:

- (1) written by an insurance company licensed to do business in Indiana;
- (2) for the term of office of the treasurer;
- (3) in an amount determined by the library board;
- (4) paid for with the money from the library fund;
- (5) payable to the state of Indiana;
- (6) approved by the library board; and
- (7) deposited in the office of the recorder of the county in which the library district is located.

As added by P.L.224-1983, SEC.1. Amended by P.L.125-1984, SEC.2.

IC 20-14-2-6

Library board; meetings; election of officers

Sec. 6. (a) Upon the creation of a new public library, the library board shall meet within ten (10) days after a majority of the appointees have taken an oath of office. The organizational meeting may be called by any two (2) members. At this meeting, the board shall elect from its members a president, a vice president, a secretary, and other officers that the board determines are necessary, and shall adopt bylaws for the board's procedure and management and for the management of the public library. Officers of the board shall be

elected annually.

(b) A majority of the members constitutes a quorum for the transaction of business. The library board shall meet at least monthly and at any other time a meeting is necessary. Meetings may be called by the president or any two (2) board members. All meetings of the board, except necessary executive sessions of the officers, are open to the public.

As added by P.L.224-1983, SEC.1. Amended by P.L.125-1984, SEC.3.

IC 20-14-2-7

Selection of director; employment and discharge of librarians; reimbursement of interviewing and moving expenses

Sec. 7. (a) The library board shall select a librarian, who holds a certificate under IC 20-14-12, to serve as the director of the library. The selection shall be made solely upon the basis of the candidate's training and proficiency in the science of library administration. The board shall fix the compensation of the director. The director, as the administrative head of the library, is responsible to the board for the operation and management of the library.

(b) The library board shall employ and discharge librarians and other persons that are necessary in the administration of the affairs of the library. The board shall:

- (1) fix and pay their compensation;
- (2) classify them and adopt schedules of salaries; and
- (3) determine their number and prescribe their duties;

all with the advice and recommendations of the library director.

(c) In exercising its powers under this section, the library board may reimburse:

- (1) candidates for employment for expenses reasonably incurred while interviewing; and
- (2) new employees for their reasonable moving expenses.

If the library board exercises its authority under this subsection, it shall establish reasonable levels of reimbursement for the purposes of this subsection.

(d) A library board may provide severance pay to a library employee who is involuntarily separated from employment with the library.

As added by P.L.224-1983, SEC.1. Amended by P.L.54-1983, SEC.3; P.L.110-2002, SEC.1.

IC 20-14-2-8

Free use of library by district residents or real property taxpayers; penalties for loss or damage of library property; fees for nonresidents

Sec. 8. (a) The residents or real property taxpayers of the library district taxed for the support of the library may use the facilities and services of the public library without charge for library or related purposes. However, the library board may:

- (1) fix and collect fees and rental charges; and

(2) assess fines, penalties, and damages for the loss of, injury to, or failure to return any library property or material.

(b) A library board may issue local library cards to:

(1) residents of the library district; or

(2) Indiana residents who are not residents of the library district;

who apply for the cards.

(c) Except as provided in subsection (d), a library board must set and charge a fee for a local library card issued under subsection (b)(2) to an Indiana resident who is not a resident of the library district. The minimum fee that the board may set under this subsection is the greater of the following:

(1) The library district's operating fund expenditure per capita in the most recent year for which that information is available in the Indiana state library's annual "Statistics of Indiana Libraries".

(2) Twenty-five dollars (\$25).

(d) A library board may charge a reduced fee or not charge a fee for a local library card under subsection (c) that is issued to an Indiana resident who is:

(1) a student enrolled in a public school corporation that is located at least in part in that library district; and

(2) not a resident of that library district.

As added by P.L.224-1983, SEC.1. Amended by P.L.25-1992, SEC.11; P.L.19-1996, SEC.5; P.L.21-1998, SEC.3.